

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD APRIL 5, 2016**

CALL TO ORDER

At 7:02 p.m. Mayor Woodruff called the meeting to order and stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

Mr. Delia, Mr. Faecher, Mr. Pastore, Mr. Pirone and Mayor Woodruff answered present. Mrs. Kingsley was absent. Mr. D'Aquila arrived to the dais at 7:18 p.m. Also present were Township Attorney Joseph Sordillo, Township Administrator John Bussicula and Township Clerk Ana Minkoff.

FLAG SALUTE

Mayor Woodruff asked everyone present to stand as he led the Flag Salute.

The Mayor announced that one Executive Session item would be done at the conclusion of the meeting.

CONFERENCE SESSION –

Mr. Pirone, Mr. Delia and Mr. Pastore stated that they had nothing for Conference Session

Mr. Faecher – Mr. Faecher stated that he had an update on the Affordable Housing front. Mr. Faecher stated that as a disclaimer, we are in the middle of litigation, and so must be mindful of our comments. Mr. Faecher reviewed some comments from last meeting regarding the process established by the Court and a new process whereby one municipality was to be selected to try the issues identified in the Expert report and elaborated. Mr. Faecher spoke about the April 1st Case Management order and elaborated on the upcoming process. Mr. Faecher stated that the trial has been set for June 15th as well as a host of interim deadlines. Mr. Faecher stated that to the extent we can, Berkeley Heights will participate as an intervenor. Mr. Faecher spoke about the June 15th deadline, and how it jumps Union County up to the front and elaborated. Mr. Faecher also spoke about the issuance of Econosult's modified report. Mr. Faecher stated that the report included a new number for Berkeley Heights, specifically that the number of 218 had been reduced to 193. Mr. Faecher stated that the Fair Share Housing Expert Report's number remains at 558. Mr. Faecher stated that we continue to negotiate with the intervenors in our town and the developers and we will report on any progress that can be made public. Mr. Bussicula clarified that the Fair Share Housing number was 858. The Mayor asked for clarification on the trial process.

In reference to Mr. Marceau's discussion with Bond Counsel and their Re-Funding analysis, the Mayor asked Mr. Marceau to discuss this as well as the benefits to the Town, both short term and long term. Mr. Marceau responded. The Mayor asked if we need to do this through an ordinance. Mr. Marceau responded. The Mayor asked Mr. Marceau to ballpark the savings. Mr. Marceau responded. The Mayor asked Mr. Marceau to get together with Mr. Sordillo regarding this issue. The Mayor asked if anyone objected to this refinancing. One Council person responded no.

**Township Council Minutes
Public Meeting – April 5, 2016**

The Mayor spoke about Agenda Item Number 2 (two): 1) a week or two ago, he was contacted by Ms. Angie Devanney, working on behalf of the Berkeley Heights PAL. Over the years, the Board of Education, PAL and Recreation Commission have collaborated together with respect to our Recreation needs; 2) the Recreation Trust has been available from the County and we have applied; 3) The PAL bookkeeping wasn't great; someone has now done the homework and the PAL is due a reimbursement of \$161,000; 4) the money owed is in Trust Fund monies allocated to our Township and goes back to 2008; 5) The County asked the Mayor if we objected to the release of those funds; 6) The Mayor asked for supporting documentation and it was provided; and 7) this is a pass through for us.

Mr. Pastore clarified that this is grant money from the County that was never paid out. Discussion ensued. The Mayor asked Mr. Barton to contact the County once this is approved and spoke about supporting documents. Mr. Barton responded. Mr. Pirone asked whether we didn't realize we were owed \$12,000, \$10,000, \$2,000. The Mayor responded. Mr. Pirone clarified his question. The Mayor responded. Mr. Pirone asked if the services were already provided and the work is already done, whether the money would go to Recreation and PAL. The Mayor and Mr. Barton responded. Mr. Pirone asked about the use of the money going into PAL's general budget and whether it would have to be used for a specific purpose. The Mayor responded. Discussion ensued.

TOWNSHIP COUNCIL REPORTS

Mr. Delia – Mr. Delia spoke about: 1) a Rain Garden meeting this Thursday at the Library; Residents are eligible for Rain Garden Reimbursement and further elaborated on the program; 2) The bumps in the road at Springfield Avenue by Robbins. Mr. Bussicula responded; 3) Welcome to Berkeley Heights signs. Mr. Delia stated that he thought the previous meeting discussion was about the sign color choices. Upon learning that they were ordered two weeks ago, Mr. Delia stated he did not know how much they cost. He stated that he didn't know how they were ordered without discussion of cost. Mr. Bussicula responded. Discussion ensued (Mr. Pirone, Mr. Delia, Mr. Sordillo, and Mr. Bussicula.)

Mr. D'Aquila – Mr. D'Aquila stated that he had nothing to report.

Mr. Pirone – Mr. Pirone stated that he had nothing to report.

Mr. Pastore – Mr. Pastore stated that he had nothing to report.

Mr. Faecher – Mr. Faecher stated that he had nothing report.

Mayor Woodruff – The Mayor stated that he had nothing to report.

Mr. Bussicula – Mr. Bussicula reported on the following: 1) we followed up on the Middle Way situation as reported by a resident who spoke at the last meeting. Mr. Bussicula gave specific steps taken; 2) JCP&L will be installing a light near the former Berkeley Aquatics at Passaic as it's very dark there; 3) New Jersey Transit will come back on April 27th or April 28th with the County regarding the Crossing; 4) Road resurfacing program will be starting and elaborated; 5) the Snyder Avenue Paving Contract update; 6) Lawrence Drive Grant received \$180,000 but engineering studies are needed; 7) Fire Department heating and ventilation problems – we await proposals; 8) we are waiting for the Union County infrastructure grant; 9) Curb repair update; 10) Spring Chipping begins on April 7th; 11) Bulk Pickup program update; 12) De-snagging Update; 13) Street Sweeper update; 14) Crosswalk and Island clean up; 15) Pothole repair update; 14) Rail station clean up;; 15) Storage Bins at the DPW; 16) Gutter Update; 17) Recent storm cleaning; 18) Police Parking Lot Fence update; 19) Diesel Retrofit Program Update; 20) Chipping machine breakdown; 21) Sewer department update regarding safety as well as upcoming report submissions (to NJDEP); 22) Air quality permit update and upcoming June due date;

**Township Council Minutes
Public Meeting – April 5, 2016**

23) Sewer has taken over the grounds maintenance at the Plant; 24) Trickling Filter rehabilitation; 25) Jet Vac problem; 26) Three SCADA proposals were received and are under review; and 27) Construction Department work processed update.

Moved by Mr. Pastore to approve the Township Council and Administration Reports, seconded by Mr. Faecher and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

APPROVAL OF MINUTES

Moved by Mr. Pirone to approve the following minutes, seconded by Mr. Pastore and upon roll call vote:

Public Meeting – March 22, 2016

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

Moved by Mr. Pirone to approve the following minutes, seconded by Mrs. Kingsley and upon roll call vote:

Executive Session – April 22, 2014; May 20, 2014; and June 24, 2014

Ayes: Mr. Delia, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: Mr. D'Aquila and Mr. Faecher
Absent: Mrs. Kingsley

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Faecher to open the Hearing on Agenda Items Only, seconded by Mr. D'Aquila and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

**Township Council Minutes
Public Meeting – April 5, 2016**

In regards to the Welcome Signs, Mr. Tom Foregger of 14 Dorset Road asked what the source of funds was. Mr. Bussiculo responded. Mr. Foregger asked what the total cost was. Mr. Bussiculo responded. Mr. Foregger asked where the signs would go. Mr. Bocchino and Mr. Bussiculo responded. In regards to the modified Ordinance which we have for introduction, Mr. Foregger asked who wanted the ordinance. Discussion ensued regarding signage (The Mayor, Mr. Marceau.) Mr. Foregger asked if we were putting signs in all of the parks or just the ones that the Town owns. Mr. Bocchino responded. Discussion ensued. Mr. Foregger asked which parks were the Town's. Further discussion ensued (Mr. Foregger, the Mayor and Mr. Pastore.)

Hearing no voices, moved by Mr. Faecher to close the Hearing on Agenda items, seconded by Mr. D'Aquila and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: Mrs. Kingsley
Absent: None

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON March 22, 2016.

The Clerk presented and read:

“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2015, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45,14)”

Moved by Mr. Faecher to open the public hearing on the ordinance as read by the Township Clerk and carried. Discussion ensued as to whether this was an introduced ordinance or an ordinance up for final adoption.

Seconded by Mr. Pirone, and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

Mr. Stephen Yellin of 130 Dogwood Lane began asking a question about the Exception to the Budget and the 2 per cent CAP, but then stated “never mind.”

Hearing no voices, moved by Mr. Faecher to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: Mrs. Kingsley

**Township Council Minutes
Public Meeting – April 5, 2016**

Moved by Mr. Faecher that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated April 5, 2016 in the amount of \$443,712.72.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. D'Aquila and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

Mr. Pastore introduced the following resolution:

2. Resolution supporting the reimbursement of funds to the P.A.L. from the Kids Recreation Trust for grants that have been previously awarded for the purpose of reinvestment into Township sports programs.

Moved by Mr. Pastore to approve resolution #2, seconded by Mr. Faecher and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

Mr. Faecher introduced the following resolution:

3. Resolution authorizing a contract with Regional Industries for Spring Residential Clean-Up, in the amount not to exceed \$119,500.00.

Moved by Mr. Faecher to approve resolution #3, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

**Township Council Minutes
Public Meeting – April 5, 2016**

Mr. D'Aquila introduced the following resolution:

4. Resolution in support of Clean Water Supplies.

Moved by Mr. D'Aquila to approve resolution #4, seconded by Mr. Pirone and carried. The Mayor asked what this was. Mr. Delia and Mr. Faecher responded. Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pirone introduced the following resolutions:

(5)

- a. Resolution authorizing the release of a cash bond to Mr. Joachim Goritschnig, 303 Timber Drive, for a street opening permit, in the amount of \$700.00.
- b. Resolution removing Mike Tomich, 92 Cornell Avenue, Berkeley Heights from the active roster of the Berkeley Heights Volunteer Fire Department.

Moved by Mr. Pirone to approve Consent Agenda Resolutions #5 a through b, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for April 19, 2016:

The Clerk presented and read:

(1)“BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 4-2014 OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, FINALLY ADOPTED AUGUST 12, 2014, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.”

**Township Council Minutes
Public Meeting – April 5, 2016**

Moved by Mr. Pastore that the ordinance as read by the Township Clerk be offered on the first reading, that April 19, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pirone and carried.

Mr. Delia asked if we knew how many parks are going to get signs and how much that will cost. Mr. Pastore responded. In regards to the culvert, Mr. Delia spoke about the steel plate, the repair and the job not being big. Discussion ensued (Mr. Bocchino, Mr. Bussiculo.) Mr. Delia stated that it seemed like a lot of money for something that seemed very simple. Mr. Bussiculo and Mr. Bocchino responded. Discussion ensued. Mr. Delia asked if we could do this with our own men. Discussion ensued (Mr. Faecher, Mr. Bocchino, the Mayor.)

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: Mr. Delia
Abstain: None
Absent: Mrs. Kingsley

The Clerk presented and read:

(2)"An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 5.24 entitled "Taxicabs" of Title 5 entitled "Business Licenses and Regulations" of *The Code of the Township of Berkeley Heights* to update and amend the licensing requirements for livery services within the Township."

Moved by Mr. Faecher that the ordinance as read by the Township Clerk be offered on the first reading, that April 19, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and carried.

Mr. Pirone spoke about reading the Ordinance book from cover to cover in 2007 (when he was first elected,) and this ordinance struck him as particularly ridiculous. He elaborated. The Mayor asked if this ordinance includes taking a taxicab that is based in Summit, drives you here and then goes back to Summit and whether they had to adhere to this ordinance while in Berkeley Heights. Mr. Sordillo responded. Mr. Pirone spoke about some of the Ordinance updates and asked whose idea was it to direct our attorney to modify this. Mr. Pirone stated that he doesn't remember seeing anything about this. Mrs. Minkoff responded that 1) this was for the limousines; 2) the taxi portion was "kept"; 3) the ordinance is adding a whole limousine part and elaborated. Discussion ensued (Mr. Pirone, Mrs. Minkoff, the Mayor and Mr. Faecher.)

Mr. Delia stated that Mr. Pirone covered most of his questions. Referencing the rate of \$6/hour for one or more passengers in the Taxi part of the ordinance, Mr. Delia stated that it would be physically impossible to make a living and elaborated. He asked whether this should be eliminated or changed. Discussion ensued (Mr. Faecher, the Mayor, Mr. Sordillo.)

Mr. Pirone asked that someone confirm that he did receive an email about this. Mrs. Minkoff responded.

Mr. Delia asked if it would be illegal for someone to use Uber. The Mayor responded.

**Township Council Minutes
Public Meeting – April 5, 2016**

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

The Clerk presented and read:

(3)"An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 10.36 entitled "Parking Restrictions" of Title 10 entitled "Vehicles and Traffic" of *The Code of the Township of Berkeley Heights* to Establish and Amend the Parking Regulations on a Portion of Various Roadways".

Moved by Mr. Faecher that the ordinance as read by the Township Clerk be offered on the first reading, that April 19, 2016 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and carried.

The Mayor asked if this addresses the issue in front of the Sub Zone. Mr. Faecher and Mr. Delia responded. Mr. Sordillo stated that we should probably delete numbers 2, 3, 4 and 5 in the proposed ordinance as they are a carryover from another ordinance. The Mayor responded. Mr. Delia asked about the hours referenced on page 10, and whether the "8 a.m. to 6 p.m." was needed. Discussion ensued (Mr. Bussiculo, Mr. Delia., Mr. Faecher.)

Upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

CITIZENS HEARING

Moved by Mr. Delia to open the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

In regards to upcoming Budget hearing on the 19th, Mr. Tom Foregger of 14 Dorset Road asked when the supporting documentation would be made available. The Mayor asked if Mr. Foregger had a copy of the budget. Mr. Foregger responded. Mr. Faecher asked if this was the same discussion we had at

**Township Council Minutes
Public Meeting – April 5, 2016**

the last meeting. Mr. Bussiculo asked what supporting documentation you are speaking to. A lengthy discussion ensued (Mr. Bussiculo, Mr. Sordillo, Mr. Foregger, the Mayor.)

In regards to the Mondelli property, Mr. Foregger asked if we paid anything. Discussion ensued (Mr. Bussiculo, the Mayor, Mr. Sordillo.) In regards to the March 8th Executive Session, Mr. Foregger noted that the exemption cited was titled Land Transaction. Discussion ensued (Mr. Sordillo and Mr. Foregger.) More discussion ensued regarding whether public funds would be involved (Mr. Sordillo, Mr. Foregger.)

In regards to exceptions to the Budget's 2 (two) per cent spending cap, Mr. Stephen Yellin of 130 Dogwood Lane asked about the necessity of hiring employees and elaborated. The Mayor and Mr. Marceau responded. In regards to the first Ordinance that was introduced, Mr. Yellin stated that he was pretty sure that was in reference to the bond ordinance from two years ago, elaborated, and stated that he didn't know what that had to do with signage and the culvert. He stated that his recollection was that entire amount was primarily to repair the road. The Mayor and Mr. Marceau responded. In regards to the Connell Hotel coming in the next few years, and the possibility of considerable number of affordable housing units being built, Mr. Yellin commented about taxis and elaborated. The Mayor responded. Mr. Yellin clarified that this ordinance was only for Taxi Companies that originated in Berkeley Heights. The Mayor responded. In regards to Mr. Foregger's comments about the Budget, Mr. Yellin stated that he had been coming to Council meetings for about a decade and elaborated. He stated that he would be surprised if there was something else we can be doing.

Hearing no voices, moved by Mr. Delia to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

**EXECUTIVE SESSION – Attorney/Client Privilege- Contract Negotiations-Comcast
Franchise Renewal**

Moved by Mr. Faecher to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:07 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

The Mayor reminded all that they would be coming out of Executive Session, only to adjourn.

**Township Council Minutes
Public Meeting – April 5, 2016**

Moved by Mrs. Faecher to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:19 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

ADJOURNMENT

Moved by Mr. Delia to adjourn, seconded by Mr. D'Aquila, and upon roll call vote:
(8:20 p.m.)

Ayes: Mr. D'Aquila, Mr. Delia, Mr. Faecher, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: Mrs. Kingsley

Approved: April 19, 2016